

Mr. SCOTT of Virginia: Mr. Speaker, the Katie Sepich Enhanced DNA Collection Act of 2012, or Katie's Law, has laudable goals of helping to prevent violent crime, exonerating the innocent, giving our police access to cutting-edge forensic techniques, reducing the cost of criminal investigations, and giving victims of violent crime and their families the answers and closure they deserve. All of this can result from the enhanced DNA collection provided for in this bill.

I voted for Katie's Law last Congress, and the goals of Katie's Law are goals that I wholeheartedly support, but unfortunately, right now is not the time to pass the law. This bill would enable the Attorney General to provide grant money to States if they implement a process for DNA testing upon arrest and preservation of the DNA profile.

The last time I voted for the bill, or one similar to it, I viewed the collection of arrestee DNA as essentially the same from a constitutional point of view as the collection of fingerprints, which are collected and preserved in a database for arrestees, whether there is a conviction or not. Since then, however, serious questions have been raised about the constitutionality of arrestee DNA collection and the preservation of that information in a database where there has been no subsequent conviction.

These constitutional questions are currently before the Supreme Court in *Maryland v. King*. The Supreme Court granted certiorari in that case in November, and we're taking this bill up now before the Supreme Court has had a chance to hear the case and issue its decision. In just a couple of months, the Supreme Court will have decided the King case, and we'll know whether or not it's constitutional to preserve this data and how the States can collect it from people upon arrest and what to do with that information. With the decision at hand, we can then craft a program that encourages States to implement DNA collecting and testing systems that fully comply with whatever the Supreme Court rules in the King case.

Whereas I believe that the Supreme Court will find this proposed bill constitutional, it just makes sense that we wait until the decision is rendered before we pass the bill. For that reason, I will oppose the bill.